

**REMARKS**

Claims 1-32 are pending in this application. By this Amendment, claims 1, 2, 3, 17, 26, 28, 29 and 32 are amended for clarity.

Entry of this amendment is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments to claims 2, 3, 17 and 26 are based on the comments first presented in the Final Office Action. Additionally, the amendments to claim 32 correspond to amendments made in claim 1 so as to place claim 1 in condition for allowance. Thus, no further consideration should be necessary as these features have previously been claimed. Further, the amendments to claims 1, 28 and 29 are merely to correct typographical errors and/or for clarity. Entry is therefore proper under 37 C.F.R. §1.116.

Applicant gratefully acknowledges the Office Action's indication that claims 1-31 contain allowable subject matter.

The Office Action objects to claims 2, 3, 17, 19, 26 and 30 because of informalities. Each of claims 2, 3, 17, and 26 are amended as suggested in the Office Action. Claim 19 has not been amended since claim 19 depends from claim 17, which includes the amendments suggested in the Office Action. Withdrawal of the objection is respectfully requested.

The Office Action rejects claim 32 under 35 U.S.C. §102(b) by U.S. Patent 5,774,658 to Kalkunte et al. (hereafter Kalkunte). The rejection is respectfully traversed.

By this Amendment, claim 32 is amended to include allowable features of allowable independent claim 1. That is, independent claim 32 recites transmitting data along a first data path, determining a prescribed number of data packet collisions in a single frame, providing a collision control signal based on the determined number of collisions, routing the data along a second data path by using a switch based on the collision control signal, storing a subsequent data packet of the frame in a buffer along the second data path, and retransmitting the subsequent data packet along the second path from the buffer after a prescribed delay time when the predetermined number of collisions occur. Kalkunte does not teach or suggest all of these features as Kalkunte does not relate to providing a collision control signal based on a determined number of collisions, routing the data along a second data path by using a switch based on the collision control signal and retransmitting the subsequent data packet along the second data path from the buffer after a prescribed delay time when the predetermined number of collisions occur. Accordingly, independent claim 32 defines patentable subject matter.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-32 are earnestly solicited. If the Examiner believes that any additional changes would place the application in

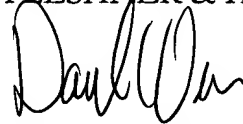
Serial No. 09/666,284  
Reply to Office Action of June 1, 2005

Docket No. P-0116

better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



Daniel Y.J. Kim  
Registration No. 36,186  
David C. Oren  
Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
703 766-3701 DYK:DCO/cre/kah

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**Please direct all correspondence to Customer Number 34610**